

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X  
JAMES RUTIGLIANO,

Plaintiff,

-against-

CITY OF NEW YORK, MARIA VELEZ & JOHN &  
JANE DOES ## 1-4,

Defendants.  
----- X

**DECLARATION OF DAVID  
M. HAZAN IN SUPPORT OF  
DEFENDANT CITY OF NEW  
YORK'S MOTION TO  
DISMISS THE COMPLAINT**

07 Civ. 4614 (JSR)

**David Hazan**, declares pursuant to 28 U.S.C. § 1746, under penalty of perjury, that the following is true and correct:

1. I am an Assistant Corporation Counsel in the Office of Michael A. Cardozo, Corporation Counsel of the City of New York, attorney for defendant City of New York. As such, I am familiar with the facts set forth below.

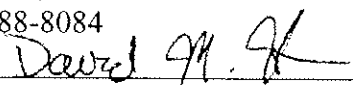
2. This declaration is submitted in support of defendant City of New York's motion to dismiss plaintiff's amended complaint, pursuant to Rule 12(c) of the Federal Rules of Civil Procedure.

3. A copy of the Complaint, dated May 26, 2007, is annexed hereto as Exhibit "1."

4. A copy of the Amended Complaint, dated July 9, 2007, is annexed hereto as Exhibit "2."

5. A copy of the Answer to the Amended Complaint on Behalf of Defendant City of New York and its exhibits, dated August 31, 2007, is annexed hereto as Exhibit "3."

Dated: New York, New York  
September 14, 2007

MICHAEL A. CARDOZO  
Corporation Counsel of the  
City of New York  
Attorney for Defendant City of New York  
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By:   
David M. Hazan (DH-8611)  
Assistant Corporation Counsel

TO: Gregory Antollino, Esq. (By Mail and ECF)  
Attorney for Plaintiff  
1123 Broadway, Suite 902  
New York, New York 11241

CC: Honorable Jed S. Rakoff (Via Hand Delivery and ECF)  
United States District Judge, SDNY  
United States District Court  
500 Pearl Street  
New York, New York 10007-1312